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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,713	06/25/2003	Bruce Wallman	CHA920030008US1	3455
23550 7590 11/25/2008 HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER CARDENAS NAVIA, JAIME F	
			ART UNIT 3624	PAPER NUMBER
			NOTIFICATION DATE 11/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

### Office Action Summary

**Application No.**

10/603,713

**Applicant(s)**

WALLMAN, BRUCE

**Examiner**

Jaime Cardenas-Navia

**Art Unit**

3624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-9,12-16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Introduction***

1. This **NON-FINAL** office action is in response to Applicant's submission filed on November 7, 2008. Claims 1, 8, and 15 have been amended. Claims 1, 2, 5-9, 12-16, and 19-21 are currently pending.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 7, 2008 has been entered.

***Response to Arguments***

3. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1, 8, and 15 that (1) neither Hertel nor Bansal teach or suggest a default split that splits time equally and an alternate split that splits time unequally. Additionally, Applicant argues that (2) all dependent claims are allowable as a result.

**Regarding argument (1),** Examiner respectfully disagrees. Bansal teaches an Assignment Manager feature that provides eligible personnel for scheduling a selected activity of a specified duration (par. 45). Bansal also teaches assigning multiple personnel to a single activity (par. 68). Thus, when an activity of a specified duration is scheduled to multiple personnel, by default, the activity is split equally (both personnel are assigned for the duration of the activity). Additionally, Bansal teaches adjusting a scheduled activity for any personnel by clicking on the edge of a box corresponding to a scheduled activity and dragging it (par. 60). Thus, Bansal teaches an alternate split that splits time unequally.

**Regarding argument (2),** Examiner respectfully disagrees as per the argument above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 5-9, 12-16, and 19-21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hertel-Szabadi (US 2003/0236692) in view of Bansal et al. (US 2007/0219842 A1).

**Regarding claims 1, 8, and 15**, Hertel-Szabadi teaches a system, method, and computer readable medium for:

assigning human resources to tasks in a project plan (par. 7, lines 1-3 state “A project workforce management system defines project tasks, project positions, and assigns personnel to the project positions”), comprising:

a database of people, wherein each person (resource) in the database includes an associated set of role capabilities (project positions) (claim 1, lines 6-8 state “generating a list of matching resources by comparing the requirements of the one or more project positions with a resource database.”);

a plan analysis system that analyzes the project plan and determines all of the roles required for the project plan (par. 18, lines 1-4 state “Proceeding to block 220, the requirements and tasks of the project 105 may be structured as project tasks 110 and the positions (roles) have to be estimated and structured as project positions 115.” Also, see Fig. 2, which shows the project position creation step.);

a matching system which, for each role, identifies a subset of people from the database who are capable of fulfilling the role (par. 20, lines 7-8 state “The engine may use filter functions to determine the available resources 120 to match with the project positions 115.” Also, see Fig. 3, which shows the filtering of eligible resources (people));

a selection system which, for each role, selects at least one person from the subset of people to fulfill the role (par. 23, lines 1-4 state “Proceeding to block 320, the program manager may now select a resource 120 from all the available resources. Because the filters were used, only qualified, available resources are shown.” Also see Fig. 3, which shows the resource selection step.); and

an allocation system that assigns people to a list of tasks for the project plan, wherein each task specifies at least one role, and each role specifies the at least one person selected to fulfill the role (par. 25, lines 2-5 state “the program manager may now assign a resource 120 to a project position 115. When a resource 120 that occupies a project position 115 is further assigned to a project task 110, this assignment is called deployment,” and par. 19, lines 5-8 state “The correlation describes what project position (role) 115 is responsible to work on a project task 110. It is possible to correlate one project position 115 to several project tasks 110”).

Hertel-Szabadi does not teach wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role, and wherein a default split splits time equally and an alternate split splits time unequally; and

a splitting algorithm that determines how time is to be allocated among multiple people performing the same role.

Bansal teaches wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role (fig. 2, par. 58, 68), and wherein a default split splits time equally and an alternate split splits time unequally (par. 45, Assignment Manager feature provides eligible personnel for scheduling a selected activity of a specified duration, par. 68, assigning multiple personnel to a single activity of a specified duration such that by default the split is equal, par. 60, adjusting a scheduled activity for any personnel by clicking on the edge of a box corresponding to a scheduled activity and dragging it); and

a splitting algorithm that determines how time is to be allocated among multiple people performing the same role (fig. 2, par. 58, 67, 68).

The inventions of Hertel-Szabadi and Bansal pertain to allocating qualified workers to work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the increased flexibility of being able to split roles among multiple people.

**Regarding claims 2 and 9,** Hertel-Szabadi teaches a system and method wherein:

the selection system comprises a graphical user interface that allows a planner to select the at least one person (par. 28, lines 1-2 state "These process 200 can be accomplished by a

consulting manager or by a (potential) project manager using software on a computer.” These process 200 includes the selection of at least one person to fill the role. It is inherent that the selection system would comprise a graphical user interface.).

**Regarding claims 5, 12, and 19,** Hertel-Szabadi does not teach a system, method, and computer readable medium wherein by default, the roles are split equally among the multiple people selected to fulfill the single role.

Bansal teaches a system and method wherein by default, the activities are split equally among the multiple people selected to fulfill the single activity (because personnel are first chosen to fulfill an activity and then the activity is scheduled into the calendar, by default, personnel assigned to an activity split it equally based on time. par. 55, lines 7-10 state “The dispatcher may employ the Assignment Manager to make a cost-effective decision to assign and schedule the selected activity”).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Hertel-Szabadi with the teachings of Bansal, motivated by the advantage of saving time by not always having to designate the manner in which the activity is split between personnel.

**Regarding claims 6 and 13,** Hertel-Szabadi teaches a system and method wherein:



the matching system identifies the subset of people based on the role capabilities of the people in the database (par. 21, lines 1-7 state “Proceeding to block 310, the engine may further filter the resources by matching qualifications. ... The engine may compare the resource qualifications to the project position 115 requirements.”).

**Regarding claims 7 and 14**, the Hertel-Szabadi teaches a system and method wherein:

each person in the database further includes an associated set of attributes selected from the group consisting of: geographic location and division within an organization (par. 20, lines 9-13 state “In block 305, the engine filters the resources 120 according to their assignment to organizational units (e.g. to search only in certain departments). Thus, a program manager may choose to search the entire organization for a resource 120, or may limit the search to one or more departments.” Thus, it is inherent that division within an organization information is associated with each person in the database.).

**Regarding claim 16**, Hertel-Szabadi teaches that the resources comprise human resources (Abstract, lines 5-8 state “each project position may be assigned to a specific person...”).

**Regarding claim 20**, Hertel-Szabadi does not teach wherein by default the amount of time split for each role among the multiple people is determined based on an input from a planner.

Bansal teaches a graphical user interface in which all activities are assigned and scheduled by an assignment manager (planner), including the time-based splitting of an activity among multiple personnel (Fig. 2, par. 67, 68).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the increased managerial oversight.

**Regarding claim 21**, Hertel-Szabadi does not teach wherein the selecting means comprises a graphical user interface.

Bansal teaches a graphical user interface in which personnel are selected for an activity (Fig. 2).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in ease of use provided by employing a graphical user interface.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Fri, 10:30AM - 7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 19, 2008

/J. C./  
Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624